

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SELIM ZHERKA,

Plaintiff,

08 Civ 2062 (CLB)(GAY)

-against-

MICHAEL F. BOGDANOS, individually,  
MICHAEL R. EDELMAN a/k/a "THE  
CONSULTANT", individually, PHILLIP  
AMICONE, individually and in his capacity  
as Mayor of the City of Yonkers, New York,  
DAVID "DOE" a/k/a "ETHAN EDWARDS",  
individually, EDMUND ROE a/k/a "MOB  
BUSTER", individually, JOHN POE,  
individually, WILLIAM ROE, individually,  
and JANET DOE, individually,

**AFFIRMATION IN OPPOSI-  
TION TO MOTION TO  
QUASH**

Defendants  
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JONATHAN LOVETT, an attorney duly admitted to practice before this Court and  
the courts of the State of New York, hereby affirms that the following statement is true:

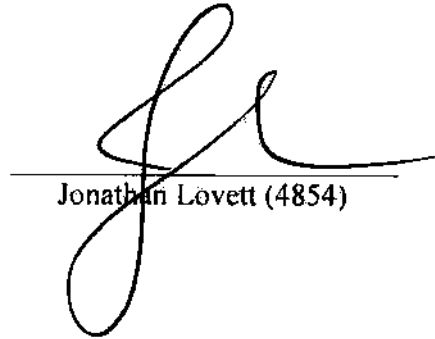
1. I am counsel to Plaintiff and submit this affirmation in opposition to Gannett's motion  
to quash subpoenas seeking the identification of persons who, as related in the complaint, were  
allowed by Gannett to publish on a blog *per se* defamatory statements regarding the Plaintiff.

2. According to Mark Fowler (Affidavit at 11) Plaintiff "may have alternative sources for  
the information" sought by the at-issue subpoena. That theoretic possibility is premised upon a  
misapprehension by him of a comment that your affirmant made with reference to a blog posting  
made by Defendant Edelman. The posting that I referenced to Mr. Fowler did not reveal the actual  
identities of the at issue anonymous bloggers.

3. For the reasons set forth in the accompanying memorandum of law the motion to quash should be denied.

WHEREFORE an order should be entered denying the motion to quash.

Dated: White Plains, N.Y.  
August 4, 2008



Jonathan Lovett (4854)